

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

4.76 ACRES OF LAND, MORE OR
LESS, SITUATE IN STARR COUNTY,
STATE OF TEXAS; AND ELOY
GONZALEZ, ET UX,

Defendants.

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CASE NO. 7:19-CV-001

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule “A.”

4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

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SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Starr County, Texas

Tract: RGV-RGC-4043

Owner: Eloy Gonzalez, et ux

Acres: 4.76

A 4.76 acre parcel of land out of and forming a part or portion of Tract No. 124 of the Porcion No. 75, Ancient Jurisdiction of Mier, Mexico as per Trimble Map in Starr County, Texas and being more particularly described by metes and bounds as follows to- wit:

BEGINNING at a found 1/2" rod at corner of fence for N.E. corner hereof, with said rod and corner being distant, S. 63° 38' 47" W., a distance of 297.50 feet from a found 5/8" rod at corner of fence, the S. W. corner of Tract No. 118, Porcion No. 75 Mier, now Starr County, Texas;

THENCE, following fence, S. 16° 38' 29" E., a distance of 249.50 feet to a found 1' pipe at corner of fence, for S.E. corner hereof;

THENCE, S. 74° 29' 31" W., a distance of 828.22 feet to a set 5/8" rod for S.W. corner hereof;

THENCE, N. 06° 37' 46" E., a distance of 311.70 feet to a found 1/2" rod, a point on the southerly boundary of "Fourth Street" N. 77° 40' 35" E., a distance of 706.91 feet to the PLACE OF BEGINNING and containing within these metes and bounds, a 4.76 acre parcel of land more or less.

SCHEDULE D

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Starr County, Texas

Tract: RGV-RGC-4043
Owner: Eloy Gonzalez, et ux
Acres: 4.76

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 12 months later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule C to survey, make borings, and conduct other investigatory work for the purposes described in Schedule B and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

SCHEDULE F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is ONE HUNDRED DOLLARS AND NO/100 (\$100.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto; and, an additional sum determined at the conclusion of the temporary estate described in Schedule E to constitute actual damages, if any.

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. *See* Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Eloy Gonzalez P.O. Box 2736 Roma, Texas 78584	RGV-RGC-4043 March 28, 2016 – Warranty Deed Document # 2016-328979, Volume 1474, Page 182; Deed Records of Starr County
Ana Karen Dela Cruz P.O. Box 2736 Roma, Texas 78584	RGV-RGC-4043 March 28, 2016 – Warranty Deed Document # 2016-328979, Volume 1474, Page 182; Deed Records of Starr County